THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date:22-12-2005

WRIT PETITION No.19498 OF 2005

BETWEEN:

Kollam Pullaiah & others.

…Petitioners

And

The District Collector, Kurnool & others.

…Respondents

ORDER:

The petitioners seek to issue a writ of mandamus, declaring the action of the respondents in directly executing the irrigation works relating to various Anicuts in Rudravaram Mandal, Nandyal Division,

without consulting the Presidents of Water Users Association as illegal and arbitrary.

Heard the learned counsel appearing for the petitioners and the learned Government Pleader for Irrigation.

The grievance of the petitioners is that the Department is directly executing the irrigation works relating to various Anicuts in Rudravaram Mandal of Nandyal Division without consulting the presidents of Water Users Association and the said act is illegal and contrary to the orders in G.O.Ms.No.68, I & CAD (MIN IRRGN IV) Department, dated 28-6-2005 and the provisions of the A.P. Farmers' Management of Irrigation Systems Act, 1997.

The perusal of the said Government Order and the Act, 1997 goes to show that there is no prohibition to execute the works by the Department itself and if the Department wants to execute the works by the private agency, they have to follow the prescribed procedure and rules made there under. If the Department themselves want to execute the works, there cannot be any objection for the petitioners. I do not see any merits in the writ petition.

The writ petition is dismissed accordingly. No costs.

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V.ESWARAIAH, J

Date: 22-12-2005.

Shr.